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JAN 27 2005

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January 27, 2005

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From: WILLIAM J. ATHAY

Comments: Please see attached.

Docket No.: 16079.2a.1

Serial No.: 10/049,867

\*\*\*\*\*  
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PATENT APPLICATION  
Docket No. 16079.2a.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
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In re application of: )  
                            ) )  
                            Richard Neumann et al. ) )  
Serial No.:     10/049,867     ) Art Unit  
                            )       2857  
Filed:                  July 2, 2002     )  
                            )  
Confirmation No.:     2445     )  
                            )  
For:                     SYSTEMS AND METHODS FOR TESTING     )  
                           THE LOAD OF AT LEAST ONE IP-BASED     )  
                           DEVICE     )  
                            )  
Examiner:             Felix E. Suarez     )

JAN 27 2005

TRANSMITTAL FOR PETITION UNDER 38 C.F.R. 1.48(A)  
TO CORRECT INVENTORSHIP

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Petition Under 37 C.F.R. 1.48(a) to correct inventorship in the above-referenced patent application for entry in the above-identified application.

Also enclosed are the following:

- Petition for Correction of Inventorship
- Certificate Under 37 C.F.R. § 3.73(b)
- Consent of Assignee to Correction of Inventorship
- Statement of Inventors Being Added
- Declaration, Power of Attorney and Petition

Name: Till Immanuel Patzschke  
Address: Kleiststrasse 23  
D-65187 Wiesbaden  
Citizenship: Germany

Please include the above-named inventors as joint inventors along with the originally named inventors.

Enclosed with this petition, please find:

- (1) A statement from Heinz Peter Zeiträger and Till Immanuel Patzschke that the inventorship error occurred without any deceptive intention on their part;
- (2) A statement from the assignee, Internetwork AG, agreeing to the change of inventorship;
- (3) Certificate Under 37 C.F.R. § 3.73 (b);
- (4) Newly Executed Combined Declaration and Power of Attorney; and
- (5) PTO Form 2038 in the amount of \$130.00 as set forth in 37 C.F.R. § 1.17(i). The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Petition to Deposit Account No. 23-3178. Duplicate copies of this sheet are enclosed.

Dated this 27th day of January, 2005.

Respectfully submitted,

  
WILLIAM J. ATHAY  
Attorney for Applicant  
Registration No. 44,515  
Customer No. 022913

WJA:kjn  
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PATENT APPLICATION  
Docket: 16079.2a.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**  
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In re application of: ) JAN 27 2005  
                        ) )  
                        Richard Neumann et al. )  
                        ) )  
Serial No.:         10/049,867         ) Art Unit  
                        ) 2857  
Filed:              July 2, 2002         )  
                        )  
Confirmation No.: 2445                 )  
                        )  
For:                 SYSTEMS AND METHODS FOR TESTING  
                       THE LOAD OF AT LEAST ONE IP-BASED  
                       DEVICE                 )  
                        )  
Examiner:           Felix E. Suarez     )

**PETITION FOR CORRECTION OF INVENTORSHIP**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.48(a), Applicants respectfully request that the above-identified application be amended to add the following inventors:

Name:       Heinz Peter Zeiträger  
Address:     Hofäckerstraße 8  
              65207 Wiesbaden  
Citizenship: Germany

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Page 2

- PTO Form 2038 in the amount of \$130.00 for the filing of the Petition
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
- Any patent application processing fees under 37 CFR 1.17.
- A duplicate copy of this transmittal letter is attached.

Dated this 27th day of January, 2005.

Respectfully submitted,



WILLIAM J. ATHAY  
Attorney for Applicant  
Registration No. 44,515  
Customer No. 022913  
Telephone No. 801.321.8895

WJA:kjn  
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PATENT APPLICATION  
Docket: 16079.2a.I

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
                            )  
                    Richard Neumann et al. )  
                            )  
Serial No.:         10/049,869                      ) Art Unit  
                                                            ) 2857  
Filed:                 July 2, 2002                      )  
                                                            )  
Confirmation No.:    2445                              )  
                                                            )  
For:                  SYSTEMS AND METHODS FOR TESTING )  
                        THE LOAD OF AT LEAST ONE IP-BASED )  
                        DEVICE                              )  
                                                            )  
Examiner:            Felix E. Suarez                    )

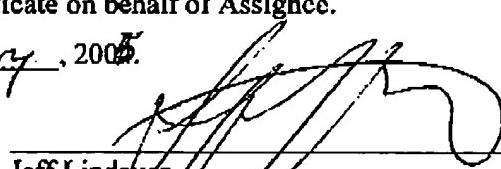
CONSENT OF ASSIGNEE TO CORRECTION OF INVENTORSHIP

InterNetwork AG, having a place a business at Bierstädter Strasse 7, D-65189 Wiesbaden, Germany, Assignee of the patent application identified above, hereby consents to the amendment thereof, to add Heinz Peter Zeiträger and Till Immanuel Patzschke as joint inventors with the originally named inventors, Richard Neumann and Uwe Schellhaas.

InterNetwork AG certifies that it is the Assignee of the patent application identified above as shown in the accompanying certificate that is made in accordance with 37 C.F.R. § 3.73(b).

The undersigned has reviewed the assignment documents mentioned above and to the best of undersigned's knowledge and belief, title is to the Assignee identified above. The undersigned is empowered to sign this certificate on behalf of Assignee.

Dated this 20 day of January, 2005.



Jeff Lindauer  
Vorstand/Management Member  
interNetwork AG

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PATENT APPLICATION  
Docket No. 16079.2a.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard Neumann et al. )  
Serial No.: 10/049,867 ) Art Unit  
Filed: July 2, 2002 ) 2857  
Confirmation No.: 2445 )  
For: SYSTEMS AND METHODS FOR TESTING )  
THE LOAD OF AT LEAST ONE IP-BASED )  
DEVICE )  
Examiner: Felix E. Suarez )

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee interNetwork AG, having a place of business at Bierstadter Strasse 7, D-65189 Wiesbaden, Germany, in accordance with 37 C.F.R. § 3.73(b), certifies that it is the Assignee of the entire right, title and interest in the patent identified above by virtue of the chain of title from the inventors of the patent identified above, to the current assignee as shown below:

1. By Assignment from inventors Richard Neumann and Uwe Schellhaus to Deutsche Telekom AG. A copy of the assignment was recorded July 8, 2002 at Reel/Frame No. 013065/0092.

Patent Application No.: 10/049,867

Filed: July 2, 2002

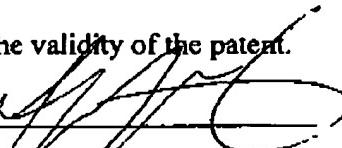
2. By Assignment from Deutsche Telekom AG to interNetwork AG. A copy of the assignment recorded February 11, 2003 at Reel/Frame No. 013747/0787.
3. By Assignment from inventors Heinz Peter Zeiträger and Till Immanuel Patzschke to interNetwork AG. A copy of the assignment dated December 23, 2004 is attached.

The undersigned has reviewed all the documents in the chain of title of the patent identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the patent.

Dated: January 20, 2005

Signature: 

Jeff Lindauer  
Vorstandt/Management Member  
interNetwork AG

KJN0000000870V001.doc

UNITED STATES PATENT

Attorney Docket No. 16079.2a.1

Form P1**COMBINED DECLARATION and POWER OF ATTORNEY  
(Utility, Design, National Stage of PCT)**

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

*(Check one applicable item below)*

- [ ] utility patent application  
[ ] design patent application  
[X] national stage of PCT patent application

**INVENTORSHIP IDENTIFICATION**

My residence, mailing address, and citizenship are as stated below next to my name. I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

SYSTEM AND METHOD FOR TESTING THE  
LOAD OF AT LEAST ONE IP-SUPPORTED DEVICE

**SPECIFICATION IDENTIFICATION**

the specification of which:

*(complete (a), (b), or (c))*

(a) [ ] is attached hereto.

(b) [ ] was previously filed \_\_\_\_\_, as United States Patent Application Serial No. \_\_\_\_\_.

(c) [x] was previously filed July 10, 2000, as PCT International Application No. PCT/EP/00/06509.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claim(s), as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose all information which is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

**FOREIGN PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application(s) which designated at least one country other than the United States of America listed below and have also identified, by checking the box, any foreign application(s) for patent or inventor's certificate or any PCT international application(s) having a filing date before that of the application(s) on which priority is claimed.

*(complete (d) or (e))*

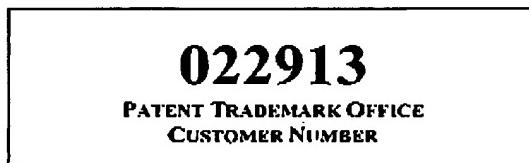
- (d) [ ] no such applications have been filed.  
 (e) [X] such applications have been filed as follows.

*Note: Where item (c) is entered above and the International Application claims priority to a non-U.S. application, check item (e), enter the non-U.S. priority details below, and make the priority claim.*

COUNTRY	APPLICATION NUMBER	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER § 119 or § 365
DE	199 37 753.7	08/10/1999	[X] YES NO [ ]
			[ ] YES NO [ ]
			[ ] YES NO [ ]
			[ ] YES NO [ ]

**POWER OF ATTORNEY**

I hereby appoint as my attorneys and/or patent agents all attorneys and/or patent agents listed under the following Customer Number, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



All correspondence and telephonic communications should be directed to:

R. BURNS ISRAELSEN  
Registration No. 37,246  
Telephone (801) 533-9800  
Facsimile (801) 328-1707

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

*NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.*

Full name of first joint inventor: Richard Neumann  
Country of Citizenship: Federal Republic of Germany  
Residence: Worms, Federal Republic of Germany  
Mailing Address: Theodor-Storm-Str. 52, 67551, Worms  
Federal Republic of Germany

Inventor's signature: N -, Date: 13.01.05

Full name of second joint inventor: Uwe Schellhaas  
Country of Citizenship: Federal Republic of Germany  
Residence: Modautal, Federal Republic of Germany  
Mailing Address: AM Steimel 22, 64397, Modautal  
Federal Republic of Germany

Inventor's signature: Uwe Schellhaas, Date: 13.01.05

Full name of third joint inventor: Heinz Peter Zeiträger

Country of Citizenship: Federal Republic of Germany

Residence: Wiesbaden, Federal Republic of Germany

Mailing Address: Hofäckerstraße 8, 65207, Wiesbaden

Federal Republic of Germany

Inventor's signature: Heinz Peter Zeiträger Date: 2004-12-23

Full name of forth joint inventor: Till Immanuel Patzschke

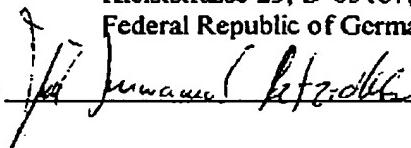
Country of Citizenship: Federal Republic of Germany

Residence: Wiesbaden, Federal Republic of Germany

Mailing Address Kleiststrasse 23, D-65187, Wiesbaden

Federal Republic of Germany

Inventor's signature:

A handwritten signature in black ink, appearing to read "Till Immanuel Patzschke".

Date: 2004-12-23

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PATENT APPLICATION  
Docket: 16079.2a.l

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard Neumann et al.

Serial No.:

10/049,867

) Art Unit  
) 2857

Filed:

July 2, 2002

Confirmation No.:

2445

For:

SYSTEMS AND METHODS FOR TESTING  
THE LOAD OF AT LEAST ONE IP-BASED  
DEVICE

Examiner:

Felix E. Suarez

STATEMENT OF INVENTORS BEING ADDED

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

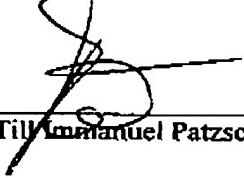
Sir:

We, Heinz Peter Zeiträger and Till Immanuel Patzschke, hereby state that we were joint inventors in the above-identified application and that the error in inventorship occurred without deceptive intent on our part.

Dated this 23<sup>rd</sup> day of December, 2004.

Heinz Peter Zeiträger  
Heinz Peter Zeiträger

Dated this 23<sup>rd</sup> day of December, 2004.

  
Till Immanuel Patzschke

WJA:kjn

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